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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,383	08/05/2003	Christopher P. Desmarais	60130-1776; 03MRA0273	8211

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EXAMINER

KIM, YOON YOUNG

ART UNIT PAPER NUMBER

1723

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/634,383

Applicant(s)

DESMARAIS, CHRISTOPHER P.

Examiner

Yoon-Young Kim

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This Office Action is in response to the Amendment filed on January 13, 2006.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-10, and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodgekins, U.S. Patent No. 6,248,236 B1.

Regarding Claim 1, Hodgekins discloses a fluid filter assembly comprising: a housing (#12, 16) having an end and defining a cavity; a first tube (#22) supported by the end and in fluid communication with the cavity; a diverter arranged within the cavity and including first and second sides with the first side proximate to the end, the diverter including a base (#50) having a first wall (#54) on the first side, the first wall in sealing engagement with at least one of the first tube and the end around an opening (#32) in the first tube, the base (#50) including a first material and the first wall (#54) including a second material different than the first material and which is supported on the first material, and a second wall (#56) on the first side engaging the end and provided by the second material; and a filter media (#60) having a portion supported by the second side, the second wall fluidly separated from the opening by the first wall and the filter media.

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Regarding Claim 2, Hodgekins discloses that the first wall is cylindrical (Fig. 4) and defines an aperture (#52) with an edge of the first wall (#54) in sealing engagement with the end of the housing.

Regarding Claim 3, Hodgekins discloses that the diverter includes a hole (#52) extending between the first and second sides and in fluid communication with the aperture and the opening (#32).

Regarding Claim 4, Hodgekins discloses that the second material defines at least a portion of the first side including the edge of the first wall (#54).

Regarding Claim 5, Hodgekins discloses a fluid filter assembly comprising: a housing (#12, 16) having an end and defining a cavity; a first tube (#22) supported by the end and in fluid communication with the cavity; a diverter arranged within the cavity and including first and second sides with the first side proximate to the end, the diverter including a first wall (#54) in the first side and in sealing engagement with at least the first tube and the end of the housing, wherein the first wall defines an aperture (#52) with an edge of the first wall in sealing engagement with the end of the housing, wherein the diverter includes a first material (#50) and a second material secured to the first material, the second material defining at least a portion of the first side including the edge of the first wall (#54), wherein the second material defines a side wall (#56) spaced from the first wall and in engagement with the end of the housing; and a filter media (#60) having a portion supported by the second side.

Regarding Claim 7, Hodgekins discloses that the filter media includes a central opening (#86) with the first tube (#22) offset from the central opening, the end supporting a second tube (#28) in fluid communication with the cavity, and the filter media arranged between the first and second tubes.

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Regarding Claim 8, Hodgekins discloses that the housing includes a case (#12) defining the end and a cover (#16) opposite the end secured to the case, the cover supporting a third tube (#82) in fluid communication with the cavity, and the filter media arranged between the second and third tubes.

Regarding Claim 9, Hodgekins discloses that the base (#50) supports the filter media (#60) with the first wall (#54) comprising a gasket supported by the base, the base extending radially outward beyond the filter media.

Regarding Claim 10, Hodgekins discloses a fluid filter diverter assembly comprising: first and second sides spaced from one another; a first material (#50) and a second material supported (#54, 56) on the first material, the second material defining at least a portion of the first side; an adhesive arranged on the second side (Col. 3, Lines 55-60); and a filter media (#60) embedded in the adhesive and secured to the second side (Col. 3, Lines 55-60), the first side having a first wall (#54) defining an enclosed aperture with a hole (#52) extending from the enclosed aperture to the second side, and the second material providing the first wall (#54) and a second wall (#56), the second wall on the first side and outside of the enclosed aperture and the first wall.

Regarding Claim 12, Hodgekins discloses that the filter media (#60) defines a central opening (#86) and the second side includes a center tube (#62) provided by the first material at least partially within the central opening, the first material providing a base (#60) with the filter media secured to the base, and the center tube extending from the base to provide a unitary structure.

Regarding Claim 13, Brown discloses that the first wall is cylindrical (Fig. 4) and defines an aperture (#52) with an edge of the first wall defined by the second material.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgekins in view of Miller et al., U.S. Patent No. 6,045,693.

Regarding Claim 6, Hodgekins discloses a fluid filter assembly comprising: a housing (#12, 16) having an end and defining a cavity; a first tube (#22) supported by the end and in fluid communication with the cavity; a diverter arranged within the cavity and including first and second sides with the first side proximate to the end, the diverter including a first wall (#54) in the first side proximate to the first tube and in sealing engagement with the end, wherein the first wall defines an aperture (#52) with an edge of the first wall in sealing engagement with the end of the housing, wherein the diverter includes a first material (#50) and a second material secured to the first material, the second material defining at least a portion of the first side including the edge of the first wall (#54); and a filter media (#60) having a portion supported by the second side. However, Hodgekins does not disclose a central wall. Miller teaches a fluid filter assembly comprising a first material (#37) and a second material secured to the first material wherein the second material defines a central wall (Fig. 16, between #146) extending away from the first wall (#145). It would have been obvious to one of ordinary skill in the art to modify Hodgekins with the element of Miller in order to provide a unitary dual radial seal (Col. 8, Lines 10-13) with weight and material reduction while maintaining strength and rigidity (Col. 10, Lines 30-45).

Regarding Claim 14, Hodgekins discloses a fluid filter diverter assembly comprising: first and second sides spaced from one another; a first material (#50) and a second material (#54, 56) supported on the first material, the second material defining at least a portion of the first side; and a filter media (#60) secured to the second side, the first side having a first wall (#54) defining an enclosed aperture with a hole (#52) extending from the enclosed aperture to the second side, and the second material defining at least a portion of the first wall (#54), wherein the second material defines a side wall (#56) spaced from the first wall. However, Hodgekins does not disclose a central wall. Miller teaches a fluid filter assembly comprising a first material (#37) and a second material secured to the first material wherein the second material defines a central wall (Fig. 16, between #146) extending away from the first wall (#145). It would have been obvious to one of ordinary skill in the art to modify Hodgekins with the element of Miller in order to provide a unitary dual radial seal (Col. 8, Lines 10-13) with weight and material reduction while maintaining strength and rigidity (Col. 10, Lines 30-45).

5. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hodgekins in view of Brown et al., U.S. Patent No. 5,685,85.

Regarding Claim 11, Hodgekins does not disclose that the first material is plastic and the second material is an elastomer. Brown teaches a fluid filter assembly comprising a second material supported on a first material wherein the first material is a plastic and the second material is an elastomer (Col. 5, Lines 27-31). It would have been obvious to one of ordinary skill in the art to modify Hodgekins with the element of Brown because they are materials of manufacture common in the filter art.

Regarding Claim 15, Hodgekins does not disclose that the first and second materials are adhered to each other. Brown teaches that the second material is adhered to the first material

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(Col. 5, Lines 11-16). It would have been obvious to modify Hodgekins with the element of Brown in order to firmly secure the second material to the first material (Col. 5, Lines 27-31).

***Response to Arguments***

6. Applicant's arguments with respect to Claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Hodgekins in view of Miller and Brown teach the invention as claimed.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK  
01/27/06

  
JOHN KIM  
Primary PATENT EXAMINER